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HOME DEPOT U.S.A., INC.

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

RICK HUERTA,  
Plaintiff,

v.

HOME DEPOT, U.S.A., INC., a  
Delaware corporation doing  
business in California and  
DOES 1-25

Defendants.

CASE NO. C 07 3520 PJH

**JOINT RULE 26(F) REPORT**

Date Action Filed: May 25, 2007  
Trial Date: None set

Pursuant to Rule 26(f) of the Federal Rules of Civil  
Procedure, a conference was held on September 24, 2007, between  
counsel for Plaintiff Rick Huerta ("Plaitiff") and Defendant Home  
Depot U.S.A., Inc. ("Defendant"). The parties jointly submit the  
following report:

1. Automatic Disclosures. The parties agree that no changes should be made to the timing, form or requirement for disclosures under FRCP 26(a).

2. Discovery Scope and Schedule. The parties have not completed any discovery to date. In addition to the exchange of initial disclosures, the parties anticipate completing written discovery, document productions, and any necessary depositions.

The parties may require discovery on the following subjects:

(1) Plaintiff's duties and his supervisory responsibilities; (2) Plaintiff's performance of his duties and supervisory responsibilities; (3) Plaintiff's allegations in his complaint, including but not limited to his claims that he was misclassified as an exempt employee; (4) Plaintiff's work schedules; (5) Plaintiff's meal periods; (6) Defendant's policies and procedures related to Assistant Store Managers and their job duties; (7) Defendant's responses and defenses to Plaintiff's claims; (8) Plaintiff's complaints, if any, related to his work duties and any discipline he received; (9) Liability and damages, including, but not limited to, Plaintiff's efforts to mitigate any alleged damages.

All discovery commenced in time should be completed by April 25, 2008.

1 The parties agree that discovery should not be conducted in  
2 phases and should not be limited or focused upon any particular  
3 issue.

4  
5 3. Electronic Information. The parties agree that  
6 electronically stored information that should be produced  
7 pursuant to Rule 26(a) and/or a proper discovery request, if any  
8 such information exists, will be produced in paper form, unless  
9 production in such form is not practicable, in which case the  
10 information will be produced in a manner agreeable to the  
11 parties. The parties do not currently anticipate that issues  
12 related to electronically stored information will significantly  
13 affect this litigation.

14  
15 4. Privilege Issues. The parties agree that no changes to the  
16 procedures regarding privileged information provided by the FRCP  
17 are required.

18  
19 5. Changes Regarding Limitations on Discovery. The parties  
20 agree that no changes should be made in the limitations on  
21 discovery imposed by the FRCP, with the exception of FRCP 30.  
22 The parties stipulate that the provisions of FRCP 30(d)(2), which  
23 limit the length of a deposition to one day of seven hours, will  
24 not apply to the depositions of Plaintiff if additional time is  
25 reasonably necessary to complete his deposition.

6. Other Orders Under FRCP 26(c), FRCP 16(b), or FRCP 16(c).

The parties agree that no other orders should be entered by the Court under FRCP 26(c) or under FRCP 16(b) or (c).

DATED: October 9, 2007

PAYNE & FEARS LLP

By: /s/

ANDREW J. JARAMILLO

Attorneys for Defendant  
THE HOME DEPOT, INC.

DATED: October 9, 2007

UNITED EMPLOYEES LAW GROUP, P.C.

By: /s/

BRUCE DAVIS

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RICK HUERTA

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